UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,936	04/28/2005	Tatsuo Sudoh	0033.0996PUS1	3091

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EXAMINER
DASGUPTA, SOUMYA

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *April 9, 2010*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *61-66* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *61-66* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☒ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Applicant's Response

In the applicant's response for application 10/532,936 dated April 9, 2010, the applicant

did not amend any claims and argued against all the rejections and objections. The

application is a 371 of PCT/JP03/15824 dated 12/10/2003. The Assignee is Sharp.

Claims 61-66 are currently pending and have been considered below. Claim 61 is an

independent claim.

Priority

Applicant cannot rely upon the foreign priority papers to overcome this rejection

because a translation of said papers has not been made of record in accordance with

37 CFR 1.55. See MPEP § 201.15.

Failure to provide a certified translation may result in no benefit being accorded

for the non-English application.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 61-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Ching et al

(US 7,260,785; Patent Issue Date: Aug 21, 2007; Patent Filing Date: Jan 29, 2001;

Assignee: IBM; hereafter Ching).

Claim 61:

Ching discloses:

a recording medium recording multimedia contents data having a data structure,

which is processed in a data processing device that includes a reproducing unit

for reproducing media data and an inputting unit for receiving an input operation

from a user, and which includes: (pre-amble) (Abstract; Fig.1; Col 2, Line 54 - Col 3,

Line 59 → Ching discloses this limitation in that the system transmits and broadcasts

video to remote audiences. Ching discloses "reproducing media data" in that the

national broadcasters send video to the remote audiences. Ching discloses "input

operation from a user" in that local stations can manually input with respect to certain

time slots.)

a reproduction describing unit for showing media data that is reproduced in said

reproducing unit of said data processing device; (limitation 1) (Abstract; Fig.1; Col

2, Line 54 - Col 3, Line 59 → Ching discloses this limitation in that an audience can see

the media data on their television sets.)

an input operation describing unit for showing an input operation that is received

by said inputting unit of said data processing device and a process that

corresponds to said input operation; (limitation 2) (Abstract; Fig.1; Col 2, Line 54 -

Col 3, Line 59 → Ching discloses this limitation in that local stations can manually input

with respect to certain time slots. The broadcasters may choose to have the program

stream sent via terrestrial links (ethernet, token ring, etc.) while the spot insertion is sent

via satellites or vice versa.)

and a schedule describing unit for managing time of effect of said media data that

is reproduced in said reproducing unit of said data processing device and time of

effect of said input operation that is received by said input unit, (limitation 3)

(Abstract; Fig.1; Col 2, Line 54 - Col 3, Line 59 → Ching discloses this limitation in that

local stations can manually input with respect to certain time slots. A zone, defined by

cable or network operators in an area, sells a commercial in the local availability time.

All receivers that are within the zone air local spots for that zone at that scheduled time.)

wherein said multimedia contents data is processed so that predetermined media

data is reproduced in said reproducing unit of said data processing device at a

predetermined time on the basis of said schedule describing unit, (limitation 4)

(Abstract; Fig.1; Col 2, Line 54 - Col 3, Line 59 → Ching discloses this limitation in that

local stations can manually input with respect to certain time slots. A zone, defined by

cable or network operators in an area, sells a commercial in the local availability time.

All receivers that are within the zone air local spots for that zone at that scheduled time.)

a predetermined input operation is received by said inputting unit of said data

processing device at said predetermined time, (limitation 5) (Abstract; Fig.1; Col 2,

Line 54 - Col 3, Line 59 → Ching discloses this limitation in that local stations may

insert their local ads at an allotted time.)

and said data processing device carries out a process that corresponds to said

predetermined input operation at said predetermined time on the basis of said

input operation describing unit. (limitation 6) (Abstract; Fig.1; Col 2, Line 54 - Col 3,

Line 59 → Ching discloses this limitation in that local stations may insert their local ads

at an allotted time. After the local ads, the system then continues to broadcast national

programs.)

Claim 62:

Ching discloses **the recording medium recording multimedia contents data having**

a data structure according to claim 61, wherein said process that corresponds to

said input operation received by said input unit of said data processing device is

a process for adding a change to said multimedia contents data. (Abstract; Fig.1;

Col 2, Line 54 - Col 3, Line 59 → Ching discloses this limitation in that local stations

may insert their local ads at an allotted time.)

Claim 63:

Ching discloses **the recording medium recording multimedia contents data having**

a data structure according to claim 62, wherein said process for adding said

change to said multimedia contents data is a process for replacing a portion of

said multimedia contents data. (Abstract; Fig.1; Col 2, Line 54 - Col 3, Line 59 →

Ching discloses this limitation in that local stations may insert their local ads at an

allotted time. The empty time slots are being replaced with local ads.)

Claim 64:

Ching discloses **the recording medium recording multimedia contents data having

a data structure according to claim 62, wherein said process for adding said

change to said multimedia contents data is a process of adding data that is

obtained by replacing a portion of said multimedia contents data to said contents

data.** (Abstract; Fig.1; Col 2, Line 54 - Col 3, Line 59 → Ching discloses this limitation

in that local stations may insert their local ads at an allotted time. The empty time slots

are being replaced with local ads.)

Claim 65:

Ching discloses **the recording medium recording multimedia contents data having

a data structure according to claim 62, wherein said process for adding said

change to said multimedia contents data is a process for adding data that is

obtained by replacing a portion of said multimedia contents data in a

predetermined subsequent process to said multimedia contents data.** (Abstract;

Fig.1; Col 2, Line 54 - Col 3, Line 59 → Ching discloses this limitation in that local

stations may insert their local ads at an allotted time. The empty time slots are being

replaced with local ads.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
      obviousness or nonobviousness.

Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ching et al

9(US 7,260,785; Patent Issue Date: Aug 21, 2007; Patent Filing Date: Jan 29, 2001;

Assignee: IBM; hereafter Ching) in view of Morris et al (US 5,862,372; Patent Issue

Date: Jan 19, 1999; Patent Filing Date: Nov 16, 1994; hereafter Morris).

Claim 66:

Ching discloses the limitations of Claim 61.

Ching does not disclose:

> **wherein said multimedia contents data is data that is described in script**
>
> **language.**

Morris discloses:

> **wherein said multimedia contents data is data that is described in script**

language.(Figs 3-5; Col 3, lines 28-61 → Morris discloses this limitation in that objects

on the GUI are implemented in script language.)

for the purpose of providing "objects [that] can be added or deleted [to and from] the

main program with great ease " (see Col 3, Lines 28-61).

Accordingly, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to modify the system, disclosed in Ching, to include:

> **wherein said multimedia contents data is data that is described in script**
>
> **language.**

for the purpose of providing objects that can be added or deleted to and from the main

program with great ease, as taught by Ching.

Response to Arguments

Claim (61-65) Rejection under 35 USC ~ 102(b) - Ching

The applicant argues that the prior art does not disclose the limitations of Claim 61.

More specifically, Ching does not disclose: (i) wherein said multimedia contents data is

processed so that predetermined media data is reproduced in said reproducing unit of

said data processing device at a predetermined time on the basis of said schedule

describing unit, (ii) a predetermined input operation is received by said inputting unit of

said data processing device at said predetermined time, (iii) and said data processing

device carries out a process that corresponds to said predetermined input operation at

said predetermined time on the basis of said input operation describing unit. The

applicant also states that Ching does not disclose (iv) a predetermined input operation

is received by said **inputting unit of said data processing device <u>at the same</u>

<u>predetermined time.</u>** (emphasis added)

The examiner disagrees.

(i) Ching discloses "wherein said multimedia contents data is processed so that

predetermined media data is reproduced in said reproducing unit of said data

processing device at a predetermined time on the basis of said schedule describing

unit" in that Ching discloses this limitation in that local stations can manually input with

respect to certain time slots. A zone, defined by cable or network operators in an area,

sells a commercial in the local availability time. All receivers that are within the zone air

local spots for that zone at that scheduled time. (see Abstract; Fig.1; Col 2, Line 54 - Col

3, Line 59). The examiner notes that a predetermined media data is functionally

equivalent to local ads and local programming because these are forms of media. The

allotted time set aside at certain time slots is functionally equivalent to predetermined

time. Here, the user can place media at given time slots.

(ii) Ching discloses "a predetermined input operation is received by said inputting unit of

said data processing device at said predetermined time" in that the local stations may

insert their local ads at an allotted time. (see Abstract; Fig.1; Col 2, Line 54 - Col 3, Line

59)

(iii) Ching discloses "said data processing device carries out a process that corresponds

to said predetermined input operation at said predetermined time on the basis of said

input operation describing unit" in that this limitation in that local stations may insert their

local ads at an allotted time. After the local ads, the system then continues to broadcast

national programs. (see Abstract; Fig.1; Col 2, Line 54 - Col 3, Line 59). Here the

(iv) Although Ching does not expressly disclose "a predetermined input operation is

received by said **inputting unit of said data processing device <u>at the same</u>**

predetermined time" (emphasis added), the claim language does not recite this. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a predetermined input operation is received by said **inputting unit of said data processing device <u>at the same</u> predetermined time"** (emphasis added)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner notes that the applicant needs to amend to a predetermined input operation is received by said **inputting unit of said data processing device <u>at the same</u> predetermined time"** (emphasis added) to overcome the rejection.

Claims 62-66 are dependent on independent Claim 61 respectively; claims 62-66 (dependent claims) are rejected by Ching because the prior art reads on the claim limitations.

<u>Claim (66) Rejection under 35 USC ~ 103(a)</u> – Ching in view of Morris

Claim 66 is a dependent on independent Claim 61; claim 66 (dependent claim) is rejected by Ching in view of Morris because the prior art reads on the claim limitations.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SOUMYA DASGUPTA whose telephone number is

(571)272-7432. The examiner can normally be reached on M-Th 9am-7pm, F 9am-

1pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SD

/DOUG HUTTON/
Supervisory Patent Examiner, Art Unit 2176